

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MUHAMMED ZBEIDA TILLISY,

Defendant.

CASE NO. 2:09-CR-00269-MJP

ORDER ON MOTION FOR  
RECONSIDERATION OF  
SENTENCE

The Court, having received and reviewed:

1. Defendant's Motion for Reconsideration of Sentence (Adea Queras) 28 USC 165 "All Writs Act" (Dkt. No. 150)
2. United States' Response to Defendant's Motion for Reconsideration of Sentence (Dkt. No. 151)

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that the motion is DENIED.

1       Once a sentence is imposed, a court may not modify a term of imprisonment, except to  
2 the extent permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure. *See*  
3 18 U.S.C. §§ 3582(b) and (c); United States v. Penna, 319 F.3d 509, 511-12 (9th Cir. 2003).

4       The government has not moved to reduce Defendant's sentence pursuant to FRCrP  
5 35(b)(1), nor has Defendant cited to any statutory authority permitting this Court to modify his  
6 term of imprisonment. Defendant previously waived his right "to bring any collateral attack  
7 against the conviction and the sentence" (Dkt. No. 53 at 9), so he is foreclosed from bringing a §  
8 2255 motion.

9       28 U.S.C. § 2241 permits a prisoner to file a petition for writ of habeas corpus in the  
10 district of confinement, but Defendant is confined in Arizona, not in this jurisdiction. Nor does it  
11 appear that he has exhausted his administrative remedies as required. *See Tucker v. Carlson*, 925  
12 F.2d 330, 332 (9th Cir. 1991). The same requirements (venue and exhaustion) would apply if  
13 Defendant were to bring a civil complaint to remedy his grievances.

14       Defendant's motion must be denied.

15       The clerk is ordered to provide copies of this order to all counsel.

16       Dated April 12, 2011.

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20       Marsha J. Pechman  
21       United States District Judge  
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